

**OSTROLENK, FABER, GERB & SOFFEN, LLP**

**Attorneys at Law**

**1180 Avenue of the Americas**

**New York, New York 10036-8403**

**Tel (212) 382-0700 Fax (212) 382-0888**

**email@ostrolenk.com**

22154 U.S. PTO  
10/727302  
120203

**Express Mail #EV342534914US**

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

OFGS File No. : P/16-347 (DIV)

Inventor : Akihiro HORII, et al.

Title : RAPID DEPTH SCANNING OPTICAL IMAGING DEVICE

Assignee : Olympus Optical Co., Ltd.

This application is a divisional of U.S. Application Serial No. 09/656,799 filed September 7, 2000 entitled SURGICAL APPARATUS PERMITTING RECHARGE BATTERY-DRIVEN SURGICAL INSTRUMENT IN NONCONTACT STATE, which claims the benefit of Convention Date September 9, 1999 for Japan Appln. S.N. 11-256294, Convention Date March 21, 2000 for Japan Appln. S.N. 2000-078743, and Convention Date May 22, 2000 for Japan Appln. S.N. 2000-154417, the contents of which are incorporated by this reference.

Enclosed herewith please find the following documents in the above-identified application for United States Letters Patent:

- ☒    Print EFS Data Sheet
- 85   Pages of Japanese Specification including Abstract and Claims
- 192  Pages of English Translation of Specification including Abstract and Claims
- 73  Numbered Claims Calculated as  73  Claims for Fee Purposes
- 39  Sheets of Drawing Containing Figures  1  to  77 . (Formal)
- ☒    Copy of Declaration and Power of Attorney from the prior application under 37 CFR 1.63(d). The entire disclosure of the prior application is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated herein by reference.
- ☒    Preliminary Amendment

- ☒ PTO-1449 Form of Disclosure recorded under Serial No. 09/656,799
- ☒ Priority is Claimed under 35 U.S.C. §119:  
 Convention Date September 9, 1999 for Japan Appln. S.N. 11-256294  
 Convention Date March 21, 2000 for Japan Appln. S.N. 2000-078743  
 Convention Date May 22, 2000 for Japan Appln. S.N. 2000-154417
- ☒ The prior application was assigned to Olympus Optical Co., Ltd. and was recorded on November 17, 2000 at Reel 011404, Frame 0808.
- ☒ Return-Addressed Post Card

OFGS Check No. 13430, which includes the fee of \$2,240.00, calculated as follows:

Basic Filing Fee: .....	\$ 770.00
Additional Filing Fees:	
Total Number of Claims in Excess of 20, times \$18: .....	954.00
Number of Independent Claims in Excess of 3, times \$86: .....	516.00
One or More Multiple Dependent Claims: Total \$290. ....	
Total Filing Fees .....	<u>\$2,240.00</u>

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed, or if any additional fee during the prosecution of this case is not paid, the Patent and Trademark Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

# EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EV342534914US in an envelope addressed to: Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 2, 2003

Dorothy Jenkins  
 Name of Person Mailing Correspondence

*Dorothy Jenkins*  
 Signature

December 23, 2003  
 Date of Signature

MM:cg

Respectfully submitted,

*Max Moskowitz*  
 Max Moskowitz  
 Registration No.: 30,576  
 OSTROLENK, FABER, GERB & SOFFEN, LLP  
 1180 Avenue of the Americas  
 New York, New York 10036-8403  
 Telephone: (212) 382-0700